

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**January 19-23, 2004**

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
1-22	EX (R)	75738326	Ferrellgas, L.P.	Walters Chapman Bucher*	genericness; whether, if not generic, applicant's mark is registrable under Section 2(f)	Examining Attorney's Request for Reconsideration Denied (Refusal Reversed)		"FUELGAS" [propane gas; transportation of propane gas by truck and pipeline]		Mandir	No
1-22	EX	76088749	Charles C. Tennin	Chapman Bucher* Rogers	2(d)	Refusal Reversed		"BIG FISH MUSIC" [music publishing services]	"BIG FISH FILMS" [film production services]	Oh	No
1-22	CANC	92028027	L. Woerner, Inc. v. Healthcare Retirement Corp. of America	Hairston Bucher Drost*	2(d); affirmative defense of laches	Petition to Cancel Denied	"HCR" [home health aide services, such as yard work, shopping, transportation, meal planning and preparation, companionship, housecleaning, laundry and other similar non-medical services]	"HCR" (in stylized lettering) [educational services, namely, conducting classes, seminars, and workshops for health care training; health care; physical and occupational rehabilitation; transitional health care; nursing home care]			No
1-22	EX	75753597	Rath	Simms Hohein * Walters	2(e)(4)	Refusal Affirmed		"RATH" [nutritional supplements; books, newspapers, and journals in the fields of healthcare and nutritional supplements; agricultural seeds, etc.; educational services, namely, conducting classes, etc., in the fields of healthcare and nutritional supplements; publication of books, newspapers, and journals]		Smith	No

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(2) \*=Opinion Writer; (D)=Dissenting Panel Member

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1-22	EX	75753445	Rath	Simms Hohein* Walters	2(e)(4)	Refusal Affirmed		"DR. RATH" [nutritional supplements; veterinary preparations, namely, nutritional supplements; books, newspapers, and journals in the fields of healthcare and nutritional supplements; educational services, namely, conducting classes, etc., in the fields of healthcare and nutritional supplements; providing health information in the field of healthcare and nutritional supplements; medical consultation services in the field of healthcare and nutritional supplements]		Levine	No
1-22	OPP	91150362	Grow Co., Inc. v. Biotest Laboratories, LLC	Chapman* Bucher Rogers	2(d)	Opposition Sustained	"GROW COMPANY INC." (and design) [dietary food supplements and other products]	"GROW!" [nutritional supplements]			No
1-22	OPP	91120339	Leo Stoller v. Karen Ponce	Seeherman* Holtzman Drost	whether opposer submitted any admissible evidence in support of his standing and grounds for opposition	Opposition Dismissed	"STEALTH" and marks incorporating the word "STEALTH" [numerous goods and services, including goods similar to those in connection with which applicant seeks registration of its mark]	"STEALTH SHELF" [shelving, namely, a spacing device having four non-metal spacers attached to a rigid frame, the spacing device being used for stacking electronics equipment]			No

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1-23	EX	78038371	Jo Ann T. Meany	Seeherman Walters Bucher*	whether applicant's recitation of services is acceptably definite and whether that recitation of services exceeds the scope of the services recited in the application as filed	Refusal Affirmed		"WE'LL SEE" [consulting services by of communication(s) with clients and prospective clients, in person, through phone discussion(s), instant message(s), E Mail(s), fax(s) mail and the like, to consider and review prospective dates, appointments, meetings, excursions, occasions, happenings, rendezvous [sic], escapades, undertakings, and the like, as well as stationary [sic], advertising, and literature, namely, calendars, greeting cards, invitations, photographs, posters, brochures, and other such goods resulting therefrom]		Suarez	No
1-23	CANC	92021648	U.S. Olympic Committee v. Kayser-Roth Corp.	Simms Seeherman Walters*	abandonment	Petition to Cancel Granted	"U.S.A. OLYMPICS" (and design), "OLYMPIC," and "UNITED STATES OLYMPIC COMMITTEE" (and design) [a variety of goods and services]	"OLYMPIC CHAMPION" [polo shirts, sweat pants, sweat shirts, and athletic shirts and running pants for men, women and children]			No

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1-23	EX	76048785	Pucci Corp.	Hohein Walters* Chapman	2(d)	Refusal Affirmed as to both cited registrations		"PUCCT" [custom tailored apparel, namely, men's suits, tuxedo suits, topcoats, sport coats, sport trousers and sport shirts, and neckwear and accessories therefor, namely, silk cravats, scarves, mufflers, sweaters, socks and handkerchiefs]	<i>2 cited registrations, both owned by the same entity and both for the mark "EMILIO PUCCI":</i> [children's clothing, namely, lounge robes, blouses, shirts, pants, dresses, and jackets] and [ladies' tailored apparel, namely, dresses, scarves, lingerie, hats, bathing suits, skirts, blouses, and slacks]	Oslick	No

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